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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.23515 of 2015

and

M.P (MD) Nos.1 and 2 of 2015

S.Ganapathiammal

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

3.The Assistant Director of Town Panchayat,
Dindigul Region,
Dindigul District.

4.The Executive Officer,
Pannaikadu Town Panchayat,
Pannaikadu,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari by calling for the records pertaining to the impugned proceedings in Na.Ka.No.05/2015 dated 16.12.2015 passed by the 4th respondent and quash the same as illegal invalid and against the Tamil Nadu Town Panchayats Act 1920.

For Petitioner : Mr.K.Kannan

For Respondents1-3 : Mr.C.Selvaraj,
Special Government Pleader.

For 4th Respondent : Mr.S.Sathishkumar

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner has come up with the above writ petition challenging a direction issued by the respondents to remove the encroachment in the form of a wall erected by him in a passage.



2. Heard Mr.K.Kannan, learned counsel for the petitioner. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.S.Sathishkumar, learned counsel takes notice for the fourth respondent.

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3. It is only after a survey made by the Firka Surveyor that the Tahsildar came to the conclusion that the petitioner had obstructed a passage in a poramboke land and put up a wall. Even in this writ petition, it is not the case of the petitioner that he constructed a wall in his own property. The petitioner merely relies upon the description of a boundary in a sale deed of the year 1963. But the same shows the existence of a wall. It does not mean that the petitioner became the owner of the land on which the wall was erected. Hence, the impugned notice cannot be interfered with. Therefore, the writ petition is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

3.The Assistant Director of Town Panchayat,
Dindigul Region,
Dindigul District.

+1cc to M/S.S.Anuthaheer, Advocate in SR.No. 175

+1cc to Special Government Pleader in SR.No. 441.

TS/20.01.2016/2P-6C/ GSV-AN

Writ Petition (MD) No.23515 of 2015

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